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Land of the Free

1815. 18

THE
S P E E C H

OF

MR. PHILLIPS,

IN THE

COURT OF COMMON PLEAS, DUBLIN,

In the Case of

Guthrie v. W. P. B. D. Sterne,

FOR

CRIM. CON.

Bristol:

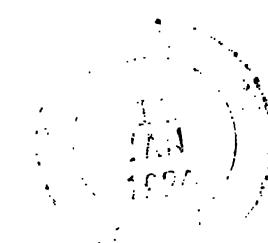
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SPEECH, &c.

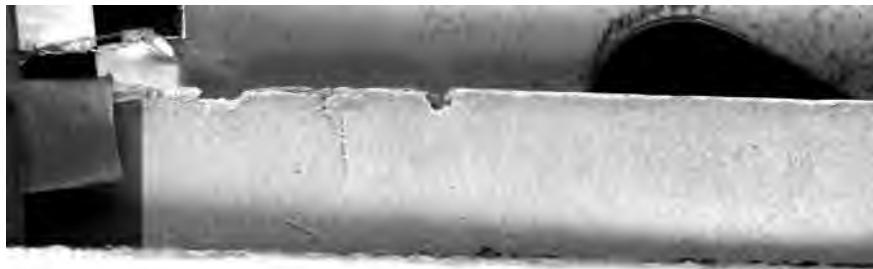
My Lord and Gentlemen,

IN this case I am of Counsel for the Plaintiff, who has deputed me, with the kind concession of my much more efficient colleagues, to detail to you the story of his misfortunes. In the course of a long friendship which has existed between us, originating in mutual pursuits and cemented by mutual attachment, never until this instant did I feel any thing but pleasure in the claims which it created, or the duty which it imposed. In selecting me, however, from this bright array of learning and of eloquence, I cannot help being pained at the kindness of a partiality which forgets its interest in the exercise of its affections, and confides the task of practised wisdom to the uncertain guidance of youth and inexperience. He has thought, perhaps, that truth needed no set phrase of speech—that misfortunes should not veil the furrows which its tears had burned, or hide, under the decorations of an artful drapery, the heart-rent heavings with which its bosom throbbed—he has surely thought, that by contrasting mine with the powerful talents selected by his antagonist, he was giving you a proof that the appeal he made, was to your reason—not to your feeling—to the integrity of your hearts, not the exasperation of your passions. Happily, however, for him, happily for you, happily for the country, happily for the profession, on subjects such as this, the experience of the oldest amongst us is but slender—deeds such as this, are not indigenous to an Irish soil, or naturalized beneath an Irish climate. We hear of them indeed as we do of the earthquakes that convulse, or the pestilence that infects less favoured regions; but the record of the calamity is only read with the generous scepticism of innocence, or an involuntary thanksgiving to the Providence that has preserved us. No matter how we may have graduated in the scale of nations—no matter with what wreath we may have been adorned, or what blessings we may have been denied—no matter what may have been our feuds, or follies, or our misfortunes—it has at least been universally conceded, that our hearths were the home of the domestic virtues, and that love, honor, and conjugal fidelity, were the dear and indisputable Deities of our household—around the fire-sides of the Irish hovel hospitality circumscribed its sacred circle, and a provision to punish created a suspicion of the possibility of its violation. But of all the ties that bound—of all the bounties that blessed her, Ireland most obeyed, most loved, most reverenced the nuptial contract. She saw it the gift of heaven, the charm of earth, the joy of the present, the promise of the future, the innocence of enjoyment, the chastity of passion, the sacrament of love—the slender curtain that shades the sanctuary of

her marriage bed, has in its purity the splendour of the mountain snow, and for its protection the texture of the mountain adamant. Gentlemen, that national sanctuary has been invaded, that venerable divinity has been violated, and its tenderest pledges torn from their shrine, by the polluted rapine of a kindless, heartless, prayerless, remorseless adulterer. To you, religion defiled, morals insulted, law despised, public order foully violated, and individual happiness wantonly wounded, make their melancholy appeal. You will hear the facts with as much patience as indignation will allow—I will myself ask of you to adjudge then, with as much mercy as justice will admit. The plaintiff in this case is John Guthrie—by birth, by education, by profession, by better than all, by practice and by principles, a gentleman. Believe me, it is not from the common place of advocacy, or from the blind partiality of friendship, that I say of him, whether considering the virtues that adorn life, or the blandishments that endear it, he has few superiors. Surely if a spirit that disdained dishonour; if a heart that knew not guilt; if a life above reproach, and a character beyond suspicion, could have been a security against misfortunes, his lot must have been happiness. I speak in the presence of that profession to which he was an ornament, and with whose members his manhood has been familiar, and I say of him, with a confidence which defies refutation, that, whether we consider him in his private or public station—as a man or as a lawyer, there never breathed that being less capable of exciting enmity towards himself or of offering, even by implication, an offence to others. If he had a fault, it was that above crime, he was above suspicion, and to that noblest error of a noble nature he has fallen a victim. Having spent his youth in the cultivation of a mind which must have one day led him to eminence, he became a member of the profession by which I am surrounded. Possessing, as he did, a moderate independence, and looking forward to the most flattering prospects, it was natural for him to select amongst the other sex some friend who should adorn his fortunes, and deceive his toils. He found such a friend or thought he found her, in the person of Miss Warren, the only daughter of an eminent solicitor, young, beautiful and accomplished, she was “adorned with all that earth or heaven could bestow to make her amiable.” Virtue never found a fairer temple—beauty never veiled a purer sanctuary—the graces of her mind retained the admiration which her beauty had attracted, and the eye her charms fired, became subdued and chastened in the modesty of their association.—She was in the dawn of life, with all its fragrance round her, and yet so pure, that even the blush which sought to hide her lustre, but disclosed the vestal deity that burned beneath it! No wonder an adoring husband anticipating all the joys this world could give him—no wonder the parental eye, which

beamed upon their union, saw in the perspective an old age of happiness and a posterity of honour. Methinks I see them at the sacred altar, joining those hands which heaven commanded none should separate, repaying for many a pang of anxious nurture by the sweet smile of filial piety, and, in the holy rapture of the rite, blessing the power that blessed their children, and gave them hope their names should live hereafter. It was Virtue's vision—none but fiends could envy it. Year after year confirmed the anticipation—four lovely children blessed their union. Nor was their love the summer passion of prosperity—misfortune proved, afflictions chastened it—before the mandate of that mysterious power which will at times despoil the paths of innocence, to decorate the chariot of triumphant villainy, my Client had to bow in silent resignation. He owed his adversity to the benevolence of his spirit—he went security for friends—those friends deceived him, and he was obliged to seek in other lands that safe asylum which his own denied him. He was glad to accept an offer of professional business in Scotland, during his temporary embarrassment. With a conjugal devotion, Mrs. Guthrie accompanied him, and in her smile the soil of the stranger was at home—the sorrows of adversity were dear to him. During their residence in Scotland, a period of about a year, you will find they lived as they had done in Ireland, and as they continued to do until this calamitous occurrence, in a state of uninterrupted happiness—you shall hear most satisfactorily, that their domestic life was unsullied and undisturbed. Happy at home—happy in a husband's love—happy in her parents' fondness—happy in the children she had nursed. Mrs. Guthrie carried into every circle, and there was no circle in which her society was not courted, that cheerfulness which never was a companion of guilt, or a stranger to innocence. My Client saw her the pride of his family, the favorite of his friends—at once, the organ and ornament of his happiness. His ambition awoke, his industry redoubled, and that fortune which, though for a season it may frown, never totally abandons probity and virtue, had begun to smile on him. He was beginning to rise in the ranks of his competitors, and rising with such a character, that emulation itself rather rejoiced than envied. It was at this crisis—in this the noon of his happiness and day-spring of his fortune, that, to the ruin of both, the Defendant became acquainted with his family. With the serpent's wile and the serpent's wickedness, he stole into the Eden of domestic life; poisoning all that was pure, polluting all that was lovely, defying God, destroying man, a *dæmon* in the disguise of Virtue, a herald of hell in the Paradise of innocence. His name, Gentlemen, is William Peter Baker Dunstanville Sterne—one would think he had epithets enough, without adding to them the title of adulterer. Of his character I know but little, and I

am sorry that I know so much; if I am instructed rightly, he is one of those vain and vapid coxcombs, whose vices tinge the frivolity of their follies with something of a more odious character than ridicule; with just head enough to contrive crime, but not heart enough to feel for its consequences—one of those fashionable insects, that folly has painted and fortune plumed for the annoyance of our atmosphere—dangerous alike in their torpidity and their animation—infesting where they fly, and poisoning where they repose. It was through the introduction of Mr. Fallon, the son of a most respectable lady, then resident in Temple street, and a near relative of Mr. Guthrie, that the defendant and this unfortunate woman first became acquainted—to such an introduction the shadow of a suspicion could not possibly attach. Occupied himself in his professional pursuits, my Client had little leisure for the amusement of society; however, to the protection of Mrs. Fallon, her son, and daughters, moving in the first circles, unstained by any possible imputation, he without hesitation entrusted all that was dear to him. No suspicion could be awakened as to any man to whom such a female as Mrs. Fallon, permitted an intimacy with her daughters; while at her house, then, and at the parties which it originated, the defendant and Mrs. Guthrie had frequent opportunities of meeting. Who could have suspected that under the very roof of virtue—in the presence of a venerable and respected matron, and of that innocent family whom she had reared up in the sun-shine of her example, the most abandoned profligate could have plotted his iniquities! Who would not rather suppose, that in the rebuke of such a presence, guilt would have torn away the garland from its brow, and blushed itself into virtue? But the depravity of this man was of no common dye—the asylum of innocence was selected only as the sanctuary of his crimes, and the pure and the spotless chosen as his associates, because they would be more unsuspected subsidiaries to his wickedness—nor were his manner and his language less suited than his society to the concealment of his object. If you believed himself, the sight of suffering affected his nerves—the bare mention of immorality smote upon his conscience—an intercourse with the Continental Courts had refined his mind into a painful sensibility to the barbarisms of Ireland, and yet an internal tenderness towards his native land so irresistably impelled him to improve it by his residence, that he was an hapless victim to the excess of his feelings, the exquisiteness of his polish, and the excellence of his patriotism. His English estates, he said, amounted to about £10,000. a-year, and he retained in Ireland only a trifling £3,000. more, as a kind of trust for the necessities of its inhabitants—in short, according to his own description, he was in religion a Saint, and in morals a Stoic—a sort of wandering philanthropist, making, like the Sterne, who, he confessed, had the honor of

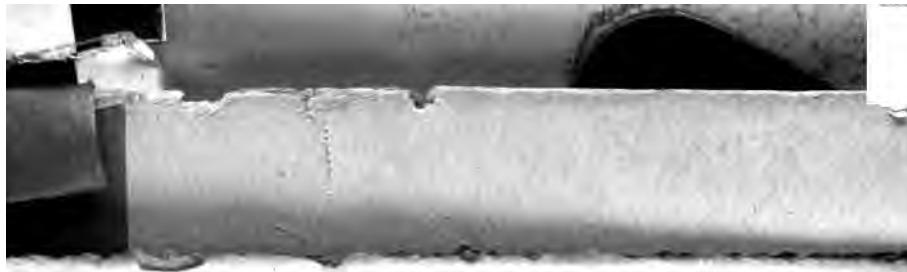


his name and connexion, a Sentimental Journey in search of his objects over whom his heart might weep, and his sensibility expand itself. How happy it is, that, of the philosophie profligate only retaining the vices and the name, his rashness has led to the arrest of crimes, which he had all his turpitude to commit, without any of his talents to embellish. It was by arts such as I have alluded to—by pretending the most strict morality—the most sensitive honour—the most high and undeviating principles of virtue, that the defendant banished every suspicion of his designs. As far as appearance went, he was exactly what he described himself. His pretensions to morals he supported by the most reserved and respectful behaviour—his hand was lavish in the distributions of his charities, and a splendid equipage—a numerous retinue—a system of the most profuse and prodigal expenditure left no doubt as to the reality of his fortune. Thus circumstanced, he found an easy admittance to the house of Mrs. Fallon, and there he had many opportunities of seeing Mrs. Guthrie, for between his family and that of so respectable a relative as Mrs. Fallon, my Client had much anxiety to increase the connection. They visited together some of the public amusements—they partook of some of the fetes in the neighbourhood of the metropolis—but, upon every occasion, Mrs. Guthrie was accompanied by her own mother, and by the respectable females of Mrs Fallon's family. I say upon every occasion, and I challenge them to produce one single instance of these innocent excursions upon which the slanders of an interested calumny have been let loose, in which this unfortunate lady was not matronized by her female relatives, and those some of the most spotless characters in society. Between Mr. Guthrie and the defendant the acquaintance was but slight. Upon one occasion alone they dined together; it was at the house of the plaintiff's father-in-law; and, that you may have some illustration of the defendant's character, I shall briefly instance his conduct at this dinner. On being introduced to Mr. Warren, he apologised for any deficiency of etiquette in his visits, declaring that he had been seriously occupied in arranging the affairs of his lamented father, who, though tenant for life, had contracted debts to an enormous amount—he had already paid upwards of £10,000. which honour and not law compelled him to discharge, as, *sweet soul*, he could not bear that any one should suffer unjustly by his family. His subsequent conduct was quite consistent with this hypocritical preamble—at dinner, he sat at a distance from Mrs. Guthrie, expatiated to her husband upon matters of morality; entering into a high-flown panegyric on the virtues of domestic life and the comforts of connubial happiness. In short, had there been any idea of jealousy, his manner would have banished it, and the mind must have been worse than sceptical, which would refuse its credence to his *surface* morality.

Gracious God ! where the heart once admits guilt as its associate, how every natural motion flies before it ! Surely, surely, here was a scene to reclaim, if it were possible, this remorseless Defendant ; admitted to her father's table, under the shield of hospitality, he saw a young and lovely female, surrounded by her parents, her husband, and her children—the prop of those parents' age, the idol of that husband's love, the anchor of those children's helplessness, the sacred orb of their domestic circle, giving their smile its light, and their bliss its being, robbed of whose beams the little lucid world of their home must become chill, uncheered, and colourless for ever. He saw them happy, he saw them united, blessed with peace, and purity, and profusion—throbbing with sympathy, and throned in love—depicting the innocence of infancy, and the joys of manhood, before the venerable eye of age, as if to soften the farewell of one world by the pure and pictured anticipation of a better. Yet, even there, hid in the very sun-beam of that happiness, the *dæmon*, of its destined desolation lurked. Just Heavens ! of what materials was that heart composed which could mediate coolly on the murder of such enjoyments—which innocence could not soften, nor peace propitiate, nor hospitality appease, but which in the very beam and bosom of its benefaction, warmed and wound itself into a more vigorous venom ? Was there no sympathy in the scene ? was there no remorse at the crime ? was there no horror at its consequences ?

“ Were honour, virtue, conscience, all exiled ?
 “ Was there no pity ?—no relenting ruth,
 “ To shew the parents fondling o'er their child—
 “ Then paint the ruin'd pair, and their distraction wild.”

No no ; he was at that instant planning their destruction, and, even within four short days, he deliberately reduced those parents to childlessness, that husband to widowhood, those smiling infants to anticipated orphanage, and that peaceful, hospitable, confiding family, to helpless, hopeless, irremediable ruin. Upon the first day of the ensuing July, Mr. Guthrie was to dine with the Connaught Bar at the Hotel of Porto-bello. It is the custom with the gentlemen of that association, to dine together previous to the Circuit ; of course my Client could not decorously have absented himself. Mrs. Guthrie appeared a little feverish, and he requested that, on his retiring, she would compose herself to rest—she promised him she would ; and when he departed somewhat abruptly, to put some letters in the post office, she exclaimed, “ What, John, are you going to leave me thus ? ” He returned, and she kissed him. They seldom parted, even for any time, without that token of affection. I am thus minute, Gentlemen, that you may see, up to the last moment, what little cause the husband had for suspicion, and how impossible it was for him to foresee a perfidy,



which nothing short of infatuation could have produced. He proceeded to his companions with no other regret, than that necessity for a moment forced him from a home which the smile of affection had never ceased to endear to him. After a day, however, passed, as such a day might have been supposed to pass, in the flow of soul, and the philosophy of pleasure, he returned home to share his happiness with her without whom no happiness ever had been perfect. Alas, he was never to behold her more! Imagine, if you can, the frenzy of his astonishment, on being informed by Mrs. Porter, the daughter of the former landlady, that, about two hours before she attended Mrs. Guthrie to a confectioner's shop, that a carriage had drawn up at the corner of the street, into which a gentleman, whom she recognised to be a Mr. Sterne, had handed her, and they instantly departed. I must tell you, there is every reason to believe, that a female was the confidant of the conspiracy. What a pity that the object of that guilty confidence had not something of humanity—that, as a female, she did not feel for the character of her sex—that, as a mother, she did not mourn over the sorrows of a helpless family! What pangs might she not have spared! My client could hear no more; even at the dead of night, he rushed into the street, as if in its own dark hour, he could discover guilt's recesses; in vain did he awake the peaceful family of the horror-struck Mrs. Fallon; in vain, with the parents of the miserable fugitive, did he mingle the tears of an impotent distraction; in vain, a miserable maniac, did he traverse the silent streets of the metropolis, affrighting virtue from its slumber with the spectre of its own ruin. I will not dwell upon that night of horror; I will not harrow you with its heart-rending recital. But, imagine you see him, when the day had dawned, returning wretched to his deserted dwelling—seeing in every chamber, a memorial of his loss, and hearing every tongueless object eloquent of his woe. Imagine you see him, in the reverie of his grief, trying to persuade himself it was all a vision, and awakened only to the horrid truth by his helpless Children asking him for their Mother! Gentlemen, this is not a picture of the fancy; it literally occurred; there is something less of the romance, in the reflection which his Children awakened in the mind of their afflicted father; he ordered that they should be immediately habited in mourning. How rational sometimes are the ravings of insanity! For all the purposes of maternal life, poor innocents! they have no mother; her tongue no more can teach, her hand no more can tend them; for them there is not “speculation in her eyes;” to them her life is something worse than death; as if the awful grave had yawned her forth, she moves before them, shrouded all in sin, the guilty burthen of its peaceless sepulchre. Better, far better, their little feet had followed in her funeral, than that the hour which

taught her value should reveal her vice; mourning her loss, they might have blessed her memory, and shame need not have rolled its fires into the fountain of their sorrow. As soon as his reason became sufficiently collected, Mr. Guthrie pursued the progress of the fugitives; he traced them successively to Kildare, to Carlow, Waterford, Milford Haven, on through Wales, and finally to Ilfracombe, in Devonshire, where the clue was lost. I am glad that, in this route and restlessness of their guilt, as the crime they perpetrated was foreign to the soil, they did not make that soil the scene of its habitation. I will not follow them through this joyless journey, nor brand by my record the unconscious scenes of its pollution. But philosophy never taught—the pulpit never enforced a more imperative morality than the itenerary of that accursed tour promulgates. Oh! if there be a maid or matron in this island, balancing between the alternative of virtue and of crime, trembling between the Hell of the seducer and the adulterer, and the Heaven of the parental and the nuptial home, let her pause upon this one, out of the many horrors I could depict—and be converted. I will give you the relation, in the very words of my brief—I cannot improve upon the simplicity of the recital:

“On the 7th of July, they arrived at Milford; the Captain of the Packet dined with them, and was astonished at the magnificence of her dress” (poor wretch she was decked and adorned for the sacrifice.)—The next day they dined alone. Towards evening, the house-maid, passing near their chamber, heard Mr. Sterne scolding and, apparently, beating her. In a short time after, Mrs. Guthrie rushed out of her chamber into the drawing-room, and, throwing herself in agony upon the sofa, she exclaimed—“Oh! what an unhappy wretch I am!—I left my home, where I was happy, too happy, seduced by a man who has deceived me. My poor husband—my dear children—Oh! if they would even let my little William live with me, it would be some consolation to my broken heart.”

“Alas! nor children more can she behold,
“Nor Friends, nor sacred home.”

Well might she lament over her fallen fortunes; well might she mourn over the memory of the days when the sun of Heaven seemed to rise but for her happiness; well might she recall the home she had endeared—the children she had nursed—the hapless husband, of whose life she was the pulse. But one short week before, this earth could not reveal a lovelier vision—Virtue blessed—affection followed—beauty beamed, on her—the light of every eye—the charm of every heart, she moved along in cloudless chastity, cheered by the song of love, and circled by the splendours she created! Behold her now, the loathsome refuse of an adulterous bed; festering in the very infection of her crimes; the



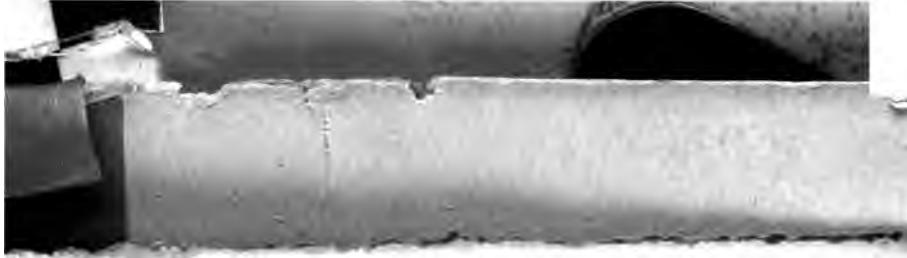
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scoff and scorn of their unmanly, merciless, inhuman author! But thus it ever is with the votaries of guilt—the birth of their crime is the death of their enjoyment, and the wretch who flings his offering on its altar, falls an immediate victim to the flame of his devotion. I am glad it is so—it is a wise, retributive dispensation—it bears the stamp of a preventive Providence—I rejoice it is so in the present instance; first, because this premature infliction must ensure repentance in the wretched sufferer; and next, because, as this adulterous fiend has rather acted on the suggestions of his nature than his shape, by rebelling against the finest impulse of man, he has made himself an outlaw from the sympathies of humanity. Why should he expect that charity from you which he would not spare even to the misfortunes he had inflicted? For the honour of the form in which he is disguised, I am willing to hope he was so blinded by his vice, that he did not see the full extent of those misfortunes. If he had feelings capable of being touched, it is not to the faded victim of his own weakness and of his wickedness that I would direct them; there is nothing in her crime which affrights Charity from its commisseration. But, Gentlemen, there is one, over whom Pity may mourn, for he is wretched—and mourn without a blush, for he is guiltless. How shall I depict to you the deserted husband? To every other object in this catalogue of calamity there is some crime attached which checks compassion—But here, Oh! if ever there was a man amiable, it was that man; Oh! if ever there was a husband fond, it was that husband; his hope, his joy, his ambition, was domestic—his toils were forgotten in the affections of his home; and, amid every adverse variety of fortune, Hope pointed to his children, and he was comforted. By this vile act, that hope is blasted, that house is a desert, those children are parentless. In vain do they look to their surviving parent; his heart is broken, his mind is in ruins, his very form is fading from the earth. He had one consolation, an aged Mother, on whose life the remnant of his fortunes hung, and on whose protection of his children his remaining prospects rested; even that is over—she could not survive his shame—she never raised her head—she became hearsed in his misfortune—he has followed her funeral. If this be not the climax of human misery, tell me in what does human misery consist? Wife, parent, fortune, prospects, happiness, all gone at once, and gone for ever. For my part, when I contemplate this, I do not wonder at the impression it has produced on him; I do not wonder at the faded form, the dejected air, the emaciated countenance, and all the ruinous and mouldering trophies by which misery has marked its triumph over youth, and health, and happiness! I know that in the hordes of what is called fashionable life, there is a sect of philosophers, wonderfully patient of their fellow-creatures' sufferings—men too

insensible to feel for any one, or too selfish to feel for others—I trust there is not one amongst you a professor of those principles. I trust there is not one amongst you who can even hear of such calamities without affliction; or if there be, I pray he may never know their import by experience; that having, in the wilderness of this world, but one dear and darling object, without whose participation, bliss would be joyless, and in whose sympathies sorrow has found a charm—whose smile has cheered his toil—whose love has pillow'd his misfortunes—whose angel spirit, guiding him through danger, and darkness, and despair, amid the world's frown, and the friend's perfidy, was more than friend, and world, and all to him! God forbid, that, by a villain's wile, or a villain's wickedness, the solace of that artery torn from his heart-strings, he should be taught how to appreciate the woe of others in the dismal solitude of his own. Oh, no! I feel that I address myself to human beings, who, knowing the value of what the world is worth, are capable of appreciating all that makes it dear to us. Observe, however, lest this crime should want any aggravation—observe, I beseech you, the period of its accomplishment:—my Client was not so young as that the elasticity of his spirit could rebound and bear him above the pressure of the misfortune, nor was he withered by age into a comparative insensibility, but just at that temperate interval of manhood when passion had ceased to play, and reason begins to operate—when love, gratified, left him nothing to desire—and fidelity, long tried, left him nothing to apprehend; he was just, too, at that period of his professional career, when, his patient industry having conquered the ascent, he was able to look round him from the height on which he rested. For this, welcome had been the day of tumult, and the pale midnight lamp succeeding—welcome had been the drudgery of form—welcome the analysis of crime—welcome the sneer of envy and the scorn of dullness, and all the spurns which “patient merit of the unworthy takes.” For this he had encountered, perhaps, the generous rivalry of genius; perhaps the biting blasts of poverty, perhaps the efforts of that deadly slander, which, coiling round the cradle of his young ambition, might have sought to crush him in its envenomed foldings.

“ Ah, who can tell how hard it is to climb
 “ The steep where Fame's proud temple shines afar?
 “ Ah, who can tell how many a soul sublime
 “ Hath felt the influence of malignant stars,
 “ And waged with Fortune an eternal war.”

Can such an injury as this, admit of justification? I think the learned Counsel will concede it cannot. But it may be palliated—let us see how. Perhaps the defendant was young and thoughtless—perhaps unmerited prosperity raised him above the pressure of misfortune, and the wild



pulse of impetuous passion impelled him to a purpose at which his experience would have shuddered. Quite the contrary—the noon of manhood has almost passed over him, and a youth spent in the recesses of a Debtor's Prison made him familiar with every form of human misery—he saw what misfortune was—it did not teach him pity; he saw the effects of guilt—he spurned the admonition. Perhaps in the solitude of a single life he had never known the social blessedness of marriage. He has a wife and children—or, if she be not his wife, she is the victim of his crime, and adds another to the calender of his seduction. Certain it is, he has little children, who think themselves legitimate; will his advocates defend him by proclaiming their bastardy? Certain it is, there is a wretched female, his own cousin too, who thinks herself his wife; will they protect him by proclaiming he has only deceived her into his prostitute? Perhaps his crime, as in the celebrated case of Howard, immortalized by Lord Erskine, may have found its origin in parental cruelty—it might, perhaps, have been that in their early years this guilty pair had cherished an innocent attachment—it might have been that in their spring of life, when fancy waved her fairy wand around them, till all above was sun-shine, and all beneath was flowers—when, to their clear and charmed vision, this ample world was but a weedless garden, where every tint spoke Nature's loveliness, and every sound breathed Heaven's melody, and every breeze was but embodied fragrance—it might have been that, in this cloudless holiday, Love wove his roseate bondage around them, till their young hearts so grew together that a separate existence ceased, and life itself became a sweet identity—it might have been that, envious of this Paradise, some worse than Dæmon tore them from each other, to pine for years in absence, and at length to perish in a palliated impiety. Oh! Gentlemen, in such a case, Justice herself, with her uplifted sword, would call on Mercy to preserve the victim. There was no such palliation—the period of their acquaintance was little more than sufficient for the maturity of their crime, and they dare not libel Love by shielding under its soft and sacred name the loathsome revels of an adulterous depravity. It might have been the husband's cruelty left a too easy inroad for seduction. Will they dare assert it? Ah! too well they know he would not let “the winds of heaven visit her face too roughly.”—Monstrous as it is, I have heard, indeed, that they mean to rest upon an opposite palliation—I have heard it rumoured, that they mean to rest the wife's fidelity upon the husband's fondness. I know that guilt, in its conception mean, and in its commission tremulous, is in its exposure desperate and audacious. I know that, in the fugitive panic of its retreat, it will stop to fling its Parthian poison upon the justice that pursues it. But I do hope, bad and abandoned and hopeless as their

cause is—I do hope, for the name of human nature, that I have been deceived in the rumours of this unnatural defence. Merciful God! is it in the presence of this venerable Court! is it in the hearing of this virtuous Jury! is it in the zenith of an enlightened age, that I am to be told, because female tenderness was not watched with worse than Spanish vigilance, and harassed with worse than Eastern severity—because the marriage contract is not converted into the curse of incarceration—because woman is allowed the dignity of a human soul, and man does not degrade himself into a human monster—because the vow of endearment is not made the vehicle of deception, and the altar's pledge is not become the passport of a barbarous perjury, and that too in a land of courage and chivalry, where the female form has been held as a patent direct from the divinity, being in its chaste and charmed helplessness the assurance of its strength, and the amulet of its protection. Am I to be told, that the *dæmon* adulterer is, therefore not only to perpetrate his crimes, but to vindicate himself through the very virtues he has violated? I cannot believe it; I dismiss the supposition—it is most “monstrous, foul and unnatural.” Suppose that the Plaintiff pursued a different principle—suppose that his conduct had been the reverse of what it was—suppose that in place of being kind he had been cruel to his deluded female—that he had been her tyrant, not her protector—her goaler, not her husband—what then might not have been the defence of this adulterer? Might he not then say, and say with speciousness: “True, I seduced her into crime, but it was to save her from cruelty—true, she is my adulteress, because he was her despot.” Happily, Gentlemen, he can say no such thing, I have heard it said, too, during the ten mouths of calumny, for which by every species of legal delay, they have procrastinated this trial—that, next to the impeachment of the husband's tenderness, they mean to rely on what they libel as the levity of their unhappy victim! I know not by what right any man, but, above all, a married man, presumes to scrutinize into the conduct of a married female. I know not, Gentlemen, how you would feel under the consciousness that every coxcomb was at liberty to estimate the warmth or the coldness of your wives by the barometer of his vanity, that he might ascertain precisely the prudence of his invasion on their virtue. But I do know that such a defence, coming from such a quarter, would not at all surprize me. Poor, unfortunate, fallen female—how can she expect mercy from her destroyer—how can she expect that he will revere the character he was careless of preserving—how can she suppose that, after having made her peace the pander to his appetite, he will not make her reputation the victim of his avarice? Such a defence is quite to be expected; knowing him, it will not surprize me; if I know you, it will not avail

him. Having now shewn you, that a crime almost unprecedented in this country is clothed in every aggravation and robbed of every palliative—it is natural you should inquire what was the motive for its commission. What do you think it was—providentially, miraculously, I should have said—for you never could have divined—the Defendant has himself disclosed it—what do you think it was, Gentlemen—ambition. But a few days before his criminality, in answer to a friend, who rebuked him for the almost princely expenditure of his habits—“Oh (says he) never mind—Sterne must do something by which Sterne may be known.” I had heard, indeed, that ambition was a vice, but then a vice so equivocal, it verged on virtue. That it was the aspiration of a spirit, sometimes, perhaps, appalling, always magnificent—that though its grasp might be fate, and its flight might be famine, still it reposed in earth’s pinnacle, and played in heaven’s lightnings—that though it might fall in ruins, it arose in fire, and was withal so splendid, that even the horrors of that fall became emerged and mitigated in the beauties of that aberration! But here is an ambition base, and barbarous, and illegitimate—with all the grossness of the vice, with none of the grandeur of the virtue—a mean, muffled, dastard incendiary, who, in the silence of sleep, and in the shades of midnight, steals his Ephesian torch into the fane which it was virtue to adore, and worse than sacrilege to have violated!! *[A burst of applause from the whole Bar and auditory followed the delivery of this passage.]* Gentlemen, my part is done—your’s is about to commence; you have heard this crime, its origin, its progress, its aggravations, its novelty amongst us. Go and tell your children and your country, whether or not it is to be made a precedent. Oh, how awful is your responsibility! I do not doubt that you will discharge yourselves of it as becomes your characters. I am sure, indeed, that you will mourn with me over the almost solitary defect in our otherwise matchless system of jurisprudence, which leaves the perpetrators of such an injury as this, subject to no amercement but that of money. I think you will lament the failure of the great Cicero of our age to bring such an offence within the cognizance of a criminal jurisdiction; it was a subject suited to his legitimate mind, worthy of his feeling heart, worthy of his immortal eloquence. I cannot, my Lord, even remotely allude to Lord Erskine, without gratifying myself by saying of him, that by the rare union of all that was learned in law with all that was lucid in eloquence, by the singular combination of all that was pure in morals with all that was profound in wisdom, he has stamped upon every action of his life the blended authority of a great mind, and an unquestionable conviction. I think, Gentlemen, you will regret the failure of such a man in such an object. The merciless murderer may have manliness to plead—the highway robber may have want to palliate—yet they are both objects of criminal infliction; but the

murderer of connubial bliss, who commits his crime in secrecy—but the robber of domestic joys, whose very wealth, as in this case, may be his instrument—he is suffered to calculate on the infernal fame which a superfluous expenditure may purchase. The law, however, is so, and we must only adopt the remedy it affords us. In your adjudication of that remedy, I do not ask too much when I ask the full extent of your capability: how poor even so is the wretched remuneration for an injury which nothing can repair—for a loss which nothing can alleviate. Do you think that a mine could recompence my Client for the forfeiture of her who was dearer than his life to him?

— “Oh! had she been but true,
 “Though Heaven had made him such another world
 “Of one entire and perfect Chrysolite,
 “He’d not exchange her for it.”

I put it to any of you, what would you take to stand in his situation? What would you take to have your prospects blasted—your profession despoiled—your peace ruined—your bed profaned—your parents’ heart broken—your children parentless? Believe me, Gentlemen, if it was not for those children he would not come here to day to seek such remuneration; if it was not that, by your Verdict, you may prevent those little innocent, defrauded wretches, from wandering beggars as well as orphans on the face of this earth. Oh, I know I need not ask this Verdict from your mercy; I need not extort it from your compassion; I will receive it from your justice. I do conjure you, not as fathers, but as husbands; not as husbands, but as citizens; not as citizens, but as men; not as men, but as christians—by all your obligations, public, private, moral and religious—by the hearth profaned, by the home desolated, by the Canons of the Living God foully spurned. Save, Oh! save your fire-sides from the contagion, your country from the crime, and perhaps thousands yet unborn, from the shame, and sin, and sorrow of this example.

At the conclusion of this brilliant and unexcelled display of eloquence, a burst of joyous and approving exultation arose in the Court, well merited by the able advocate, who had affected the Jury even to tears throughout the delivery of this powerful appeal to their judgment, their feelings, and their justice.

The Counsel then proceeded to the examination of Witnesses—Lord Norbury charged the Jury to find a Verdict for the Plaintiff, but recommended moderation in the Damages.

The Jury retired for a few minutes, and found for the Plaintiff—
 Damages £5,000.

JOSEPH ROUTH, PRINTER, BRISTOL.





